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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,259	08/20/2004	Seppo Vesterinen	059643.00481	3815
32294 7590 02/19/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER CHU, WUTCHUNG	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 02/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/505,259

**Applicant(s)**

VESTERINEN, SEPPPO

**Examiner**

Wutchung Chu

**Art Unit**

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This communication is in response to application's amendment filed on 11/7/2007. Claims 1-22 are pending. Claims 1, 6, 10-17, and 19-21 amended, and claim 22 is newly added.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharp (US6694471).

**Regarding claim 1**, Sharp discloses a system and method for periodic retransmission of messages (**see col. 1 lines 30-47**) comprising:

- Wherein at least two of the entities (**see figure 2 and figure 3 stream identifier**) are configured to use stream control transmission protocol (**see col. 1 lines 52-53**) for signaling therebetween (**see col. 3 lines 7-10 and figure 1**),
- Wherein the stream control transmission protocol signaling comprises a source port number, a destination port number, data, and connection

identity information relating to a connection between at least two of the entities (see col. 4 lines 26-35 and figures 1-3), and

- Wherein the connection identity information (see col. 2 lines 54-61 and col. 4 lines 37-40) identifies the ultimate destination of the data (see col. 7 line 33 destination endpoint).

Regarding claim 2, Sharp teaches the connection identity information comprises address information (see figure 2 col. 4 lines 26-35).

Regarding claim 3, Sharp teaches the address information identifies at least one other further entity (see figure 1 box 12 might be user terminal or server).

Regarding claim 4, Sharp teaches the connection identity information comprises information identifying an application (SCTP is like TCP connection oriented protocol, and maintain connection (relationship) during communication col. 3 lines 53-58 and col. 240-68).

Regarding claim 5, Sharp teaches the connection identity information identifies a connection flow (see col. 2 lines 40-68 and figures 1 and 2).

Regarding claim 6, Sharp teaches the connection identity information is provided in an stream control transmission protocol packet (see figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35).

Regarding claim 7, Sharp teaches the connection identity information (see figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35) is provided in the data chunk part of the stream control transmission protocol packet (see figure 2 and 3).

**Regarding claim 8**, Sharp teaches the connection identity information (see **figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35**) is provided in a payload protocol identifier field (see **figure 3 box 88**).

**Regarding claim 9**, Sharp teaches the connection identity information (see **figure 2 and col. 2 lines 54-61 and col. 4 lines 26-35**) is provided in a field between a stream sequence number field and user data (see **figure 3 item 84 and 86 stream identifier and stream sequence number respectively**).

**Regarding claim 10**, Sharp teaches the connection identity information is provided in a header for the stream control transmission protocol packet (see **figure 2 item 52 is header**).

**Regarding claim 11**, Sharp teaches the address information is provided in a separate field in said stream control transmission protocol packet (see **figure 2 source and destination port number**).

**Regarding claim 12**, Sharp teaches the at least one of the two entities is arranged to provide further address information relating to at least one of the two entities (see **figure 2 source entity and destination entity by their port number**).

**Regarding claim 13**, Sharp teaches the at least one of said two entities comprises transmission unit configured to send and/or receive stream control transmission protocol packets to and/or from the other of said two entities (see **figure 1 and 2 two different user terminal or server**).

**Regarding claim 14**, Sharp teaches the at least one of said two entities comprises a set up unit configured to set up stream control transmission protocol associations **(see col. 4 lines 27-35 and figure 2)**.

**Regarding claim 15**, Sharp teaches the at least one of said two entities comprises a receiving unit configured to receive status information relating to stream control transmission protocol associations **(see col. 4 line 63 to col. 5 line 5, sending acknowledgement to sender to confirm receiving status)**.

**Regarding claim 17**, Sharp teaches the at least one of said two entities comprises an adding unit configured to add the connection identity information of said further entity to a stream control transmission protocol packet **(see figure 2 source and destination information)**.

**Regarding claim 18**, Sharp teaches the further entity comprises at least one of the following: user terminal, user, group of users, service, network, or part of network, server, or cell or base transceiver station **(see user terminal in figure 1 item 12)**.

**Regarding claim 19**, Sharp teaches the one of said entities is one of the following:

- base station; controller; radio network controller; core network; radio network access server; gateway or server **(see figure 1 consider server 1 on LHS box 12)**
- and wherein the other of said entities is one of the following:

- base station; controller; radio network controller; core network; radio network access server; gateway or server (**see figure 1 consider server 2 on RHS box 12**).

**Regarding claim 20**, Sharp teaches a method for use in an internet protocol based system comprising a plurality of entities (**see col. 1 lines 30-47**), the method comprising the steps of:

- sending stream control transmission protocol transport signalling information between two of said entities (**see figure 2 and figure 3 stream identifier and col. 3 lines 7-10**),
- wherein the stream control transmission protocol signalling information comprising a source port number, a destination port number, data, and connection identity information relating to a connection between said two entities (**see col. 4 lines 26-35 and figures 1-3**), and
- Wherein the connection identity information identifies (**see col. 2 lines 54-61 and col. 4 lines 37-40**) the ultimate destination of the data (**see col. 7 line 33 destination endpoint**).

**Regarding claim 21**, Sharp teaches an entity for use in a internet protocol based system, the entity comprising

- a transmission unit configured to send to another entity (**see figure 2 and figure 3 stream identifier**) a stream control transmission protocol (**see col. 1 lines 52-53**) transport packet (**see col. 3 lines 7-10 and figure 1**),
- wherein the entity is configured to include in said packet a source port number, a destination port number, data, and connection identity information relating to a connection between at least two of said entities (**see col. 4 lines 26-35 and figures 1-3**), and
- Wherein the connection identity information identifies (**see col. 2 lines 54-61 and col. 4 lines 37-40**) the ultimate destination of the data (**see col. 7 line 33 destination endpoint**).

**Regarding claim 22**, Sharp teaches an entity for use in a internet protocol based system, the entity comprising:

- Means for sending to another entity (**see figure 2 and figure 3 stream identifier**) a stream control transmission protocol (**see col. 1 lines 52-53**) transport packet (**see col. 3 lines 7-10 and figure 1**),
- Wherein the entity is configured to include in the packet a source port number, a destination port number, data, and connection identity information relating to a connection between the entity and the another entity (**see col. 4 lines 26-35 and figures 1-3**), and



- Wherein the connection identity information (see col. 2 lines 54-61 and col. 4 lines 37-40) identifies the ultimate destination of the data (see col. 7 line 33 destination endpoint).

***Claim Rejections - 35 USC § 103***

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp in view of Willars (US2001/0053145).

**Regarding claim 16**, Sharp teaches most of limitations as applied to claim 1 above. Sharp does not teach a forwarding unit configured to forward stream control transmission protocol packets to a radio network layer in dependence on said connection identity information.

Willars from the same or similar fields of endeavor teaches the use of forwarding SCTP packet to a radio network layer in dependence in the connection identity information of further entity (**see figure 5a and 5b, item 88 SCTP is used for transporting the signaling over IP network**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the SCTP for transporting the signaling over IP network from Willars in the system and method for periodic retransmission of messages of Sharp in order to preserve general architecture and principle of 3GPP UTRAN R99 and minimal impact on application later protocol (**see Willars item# 0147**).

#### ***Response to Arguments***

7. Applicant's arguments filed 11/7/2007 have been fully considered but they are not persuasive.

8. **With regards to applicant's remark on page 10** where applicant submitted that a "source" port number is the sender's port number and the "destination" port number is the SCTP port number to which the packet is destined. However, Sharp discloses bundling of multiple data and/or control chunks (see figure 2 source port number and destination port number and col. 7 lines 30- 35 a source endpoint transmits one or more data chunks to a destination endpoint). Therefore meets the limitation, furthermore, although the claims are interpreted in light of specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. **With regards to applicant's remark on page 10**, where applicant submitted that "connection identity information" is explicitly defined in the present application as "additional information used to identity an entity, application, signaling flow, connection or the like". However, Sharp discloses identity information (see col. 4 line 27-40) and protocol stack may also include any other suitable components and such components may function, if appropriate, as intermediate layers between user application, packet transport service, network service, and physical transport service; which corresponds to application, signaling flow, and connection, and therefore meet the limitation. Furthermore, although the claims are interpreted in light of specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turina (US20020075900); Walker (US20030193696)

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wutchung Chu whose telephone number is 571 270 1411. The examiner can normally be reached on Monday - Friday 1000 - 1500EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on 571 272 7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WC/  
Wutchung Chu

EDAN D. ORGAD  
SUPERVISORY PATENT EXAMINER

